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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,208	04/22/2004	Yong-Chol Kwon	IK-0088	5539
34610	7590	06/28/2005	<div>EXAMINER</div> <div>TRAN, HANH VAN</div>	
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			<div>ART UNIT</div> <div>3637</div>	<div>PAPER NUMBER</div>

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/829,208

Applicant(s)

KWON, YONG-CHOL

Examiner

Hanh V. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This is the First Office Action on the Merits from the examiner in charge of this application.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

3. The abstract of the disclosure is objected to because it includes legal phraseology, such as "invention". Correction is required. See MPEP § 608.01(b).
4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Since lines 1-2 recited "one or more receiving boxes", which is just one box, the recitation of "boxes" on line 3 renders the claim indefinite.

Claim Objections

7. Claim 4 is objected to because of the following informalities: “one or more receiving box” should be “one or more receiving boxes”. Appropriate correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-4, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by USP 308,156 to Hamilton.

Hamilton discloses a mounting structure comprising all the elements recited in the above listed claims including, such as shown in Fig 1, a receiving chamber cover (*a,b*) defining a receiving space, a receiving box *h'* installed in the partitioned space and having a receiving space being open at an upper face thereof, guide rails *d* formed at positions on the receiving chamber cover corresponding to inner sides of both sidewalls of the receiving box, guide flanges *f* formed to be located in the coverage of the receiving space at upper ends of both sidewalls of the receiving box corresponding to the guide rails *d*; wherein the guide flanges are formed such that leading ends thereof protrude by a predetermined length inwardly with respect to the sidewalls of the receiving box so as to face each other.

10. Claims 1-4, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by USP 1,558,506 to Riek.

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Riek discloses a mounting structure comprising all the elements recited in the above listed claims including, such as shown in Fig 1, a receiving chamber cover defining a receiving space, a receiving box installed in the partitioned space and having a receiving space being open at an upper face thereof, guide rails 14 formed at positions on the receiving chamber cover corresponding to inner sides of both sidewalls of the receiving box, guide flanges 9 formed to be located in the coverage of the receiving space at upper ends of both sidewalls of the receiving box corresponding to the guide rails 14; wherein the guide flanges are formed such that leading ends thereof protrude by a predetermined length inwardly with respect to the sidewalls of the receiving box so as to face each other.

11. Claims 1-2, 5, and 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by USP 1,509,853 to Vance.

Vance discloses a mounting structure comprising all the elements recited in the above listed claims including, such as shown in Fig 4, a receiving chamber cover 51 defining a receiving space, a receiving box 58 installed in the partitioned space and having a receiving space being open at an upper face thereof, guide rails 55 formed at positions on the receiving chamber cover corresponding to inner sides of both sidewalls of the receiving box, guide flanges 57 formed to be located in the coverage of the receiving space at upper ends of both sidewalls of the receiving box corresponding to the guide rails 55; wherein the guide flanges are formed such that leading ends thereof protrude by a predetermined length to face outwardly with respect to the sidewalls of the receiving box but are positioned inside of the sidewalls.

12. Claims 1-2, 5, and 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by USP 2,421,089 to Smith.

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Smith discloses a mounting structure comprising all the elements recited in the above listed claims including, such as shown in Figs 1&4, a receiving chamber cover defining a receiving space, a receiving box 36 installed in the partitioned space and having a receiving space being open at an upper face thereof, guide rails 41 formed at positions on the receiving chamber cover corresponding to inner sides of both sidewalls of the receiving box 36, guide flanges 44 formed to be located in the coverage of the receiving space at upper ends of both sidewalls of the receiving box corresponding to the guide rails 41; wherein the guide flanges are formed such that leading ends thereof protrude by a predetermined length to face outwardly with respect to the sidewalls of the receiving box but are positioned inside of the sidewalls.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

15. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of USP 5,044,704 to Bussan et al.

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Smith discloses all the elements as discussed above except for a common rail is provided at a position where the receiving boxes are adjacent to each other, and the common rail defines channels on opposite sides thereof.

Bussan et al teaches that it is well known in the art to provide a common rail 52 at a position where receiving boxes 50 are adjacent to each other, and the common rail defines channels on opposite sides thereof for the purpose of receiving two receiving boxes in side-by-side manner. Therefore, it would have been obvious to modify the structure of Smith by replacing two central guide rails with a common rail provided at a position where the receiving boxes are adjacent to each other, and the common rail defines channels on opposite sides thereof for the purpose of receiving two receiving boxes in side-by-side manner, as taught by Bussan et al, since both teach alternate conventional mounting structure of a receiving box for a refrigerator structure, used for the same intended purpose, thereby providing structure as claimed.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lee, Carbary, Shenker, Field, De Boer, Sherman, and Cappelletti et al all show structures similar to various elements of applicant's disclosure.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HVT

June 26, 2005

Hanh V. Tran
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